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Agenda Date: 11/18/2020

Agenda Placement: 7B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Shadybrook Estate Winery

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### **RECOMMENDATION**

#### **RAPP RANCH ESTATE, LLC / SHADYBROOK ESTATE WINERY / MAJOR MODIFICATION P20-00158-MOD & ROAD & STREET STANDARDS EXCEPTION REQUEST**

**CEQA Status:** Consideration and possible adoption of an Addendum to the previously adopted 2019 Negative Declaration prepared for Shadybrook Winery Major Modification P18-00450-MOD. Pursuant to CEQA Guidelines Section 15164, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5. Consideration and possible adoption of a Negative Declaration.

**Request:** Approval of a Major Modification (P20-00158) to an existing 70,000 gallon winery to allow the following: 1) increase daily visitation from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week; and 2) amend the existing marketing program from eight (8) catered food and wine events per year with a maximum of 30 persons and one (1) Wine Auction event per year with a maximum of 30 people to six (6) events per year with a maximum of 30 persons, six (6) events per year with 50 visitors and six (6) events per year with 100 visitors. Events with 30 visitors or less will be catered using the winery's existing commercial kitchen. All other marketing events will be catered off site. There are no physical or infrastructure improvements included with this request. No increase in production or employees are requested. This request is a result of the Planning Commission action taken on January 15, 2020 on Major Modification P18-00450-MOD (a Code Compliance Program project) to direct the applicant to bring the subject winery into compliance prior to reconsideration of the above noted expansions beyond existing entitlements. The project also includes an Exception to the Napa County Road and Street Standards (RSS) for widening the existing 20.59' wide entrance gate since the Winery is located in a Locally Responsibility Area (LRA) and not in a Very High Fire Hazard Severity Zone (VHFHSZ) pursuant to Section Five of the RSS. The 11.37 acre project site is addressed as 100 Rapp Lane, Napa and accessed via Rapp Lane, which is a gated private road located on the north end of Second Avenue at the intersection with

Chateau Lane. The project is located within the Agricultural Watershed (AW) District and has a General Plan Land Use designation of Agriculture, Watershed, and Open Space (AWOS). APN 052-170-019.

**Staff Recommendation:** Adopt the Addendum to the previously adopted Negative Declaration, approve an Exception to the Napa County Road and Street Standards (RSS), and approve the Major Modification, subject to the proposed conditions of approval.

**Staff Contact:** Charlene Gallina, Supervising Planner, phone 707-299-1355 or email [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**Applicant:** Rapp Ranch Estates, LLC, David & Sue Alkossler; (714) 206-7856; 100 Rapp Lane, Napa, CA 94558; [alkovines@gmail.com](mailto:alkovines@gmail.com)

**Applicant's Representative:** David B. Gilbreth; Attorney; 1152 Hardman; Napa, CA 94558; (707) 337-6412; [dbgilbreth@gmail.com](mailto:dbgilbreth@gmail.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Addendum prepared for the proposed project, as set forth in Finding 1 of Attachment A;
2. Approve an Exception to the Napa County Road & Street Standards, based on Findings 2 of Attachment A and subject to the recommended conditions of approval in Attachment B; and
3. Approve Major Modification Application No. P20-00127-MOD, based on Findings 3 through 6 of Attachment A, and subject to the recommended Conditions of Approval (Attachment B).

### **Discussion:**

On December 4, 2019, the Planning Commission held a public hearing to consider approval of a Major Modification (P18-00450) to a previously-approved 30,000 gallon winery use permit (formerly named D'Ambrosio Vineyards and Verismo Winery) that had been established in 2007. The December 4, 2019 Staff Report is attached herein and a full copy is available at: <http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5740>. Staff presented to the Commission both the components necessary to remedy the existing physical improvements that were installed without County permits, to address unpermitted employees and wine production barrel storage space, as well as, the requested new permit modifications to change permitted winery operations (increase wine production, visitation and marketing activities). This item was heard and continued to January 15, 2020 to allow the applicant to respond to issues discussed at the Commission Meeting and for staff to return with a final project recommendation, findings and revised conditions of approval. Specifically, the Commission expressed concerns that the increased amount of visitation and marketing events requested was too high given the surrounding rural neighborhood, existing wineries in the vicinity, and in relation to the amount of visitation and horse-related events and limited parking currently being requested at the adjacent Rapp Equestrian Center's Use Permit (P18-00197), which is also owned by the applicant. At the same time, the Rapp Equestrian Center (also under the County's Code Compliance Program) was requesting approval of a Use Permit to recognize and remedy existing building code violations associated with a commercial horse boarding, riding, and lessons facility with existing employees (nine), visitation (50 per day) and horse related events (six events each at 30, 50 and 100 persons).

Given these two requests, the Commission requested that the applicant reconsider a lower number of visitation and marketing events upon return to the Commission on January 15th. At this continued hearing, the Applicant did

not propose any reduction in visitation and marketing events for the Winery nor the Rapp Equestrian Center. Instead, the applicant provided clarification on how much activity could occur at the winery given the requested shared groundwater and wastewater system between the winery and the equestrian facility and proposed changes concerning parking between the two facilities. The January 20, 2020 Staff Report is attached herein and a full copy is available at: <http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5979> . As a result, the Planning Commission granted the proposed visitation and marketing program for the equestrian facility (P18-00197) and decided not to grant the requested proposed visitation and marketing for the winery beyond existing entitlement. Instead, the Planning Commission directed the applicant to bring the subject winery into compliance prior to reconsideration of the expansion beyond existing entitlements.

In summary, the Planning Commission adopted a Negative Declaration (ND) and approved a Use Permit Modification (P18-001450-MOD) subject to conditions of approval for the existing 30,000 gallon winery allowing the following to remedy existing violations under the County's Use Permit Code Compliance Program and some expansion beyond existing entitlements: a) Increase in annual wine production from 30,000 to 70,000 gallons per year; b) On-premises consumption of wine produced on-site within the outdoor visitation area and hospitality building designated tasting areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; c) Employment of nine full-time and two part-time employees; d) Minor improvements to the existing parking area and outdoor patio and garden area; e) Demolition of the existing agricultural barn and replacement with four new steel buildings approximately 12,000 sq. ft. in size and the conversion of one of the steel buildings of approximately 3,001 sq. ft. into winery production space for barrel storage; f) The winery's new access and outdoor visitation/marketing event patio which includes a barbeque/fire pit and outdoor event garden area; g) The reconfigured parking area including 26 parking spaces; h) The winery's existing sound system for background music only utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio area only; and i) Permit commercial horseback riding from APN 052-170-018 (Rapp Equestrian Center only) in the vineyards on the property. There were no proposed changes to winery's hours of operation, which occur seven days per week from 9 am to 5 pm or to the Marketing Events, which occur seven days a week from 11 am to 10 pm.

Upon making a good faith effort, the applicant submitted a new use permit major modification application (P20-00158-MOD) requesting the Planning Commission to consider action on the original requested visitation and marketing activities as follows: 1) increase daily visitation from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week; and 2) amend the existing marketing program from eight (8) catered food and wine events per year with a maximum of 30 persons and one (1) Wine Auction event per year with a maximum of 30 people to six (6) events per year with a maximum of 30 persons, six (6) events per year with 50 visitors and six (6) events per year with 100 visitors. Events with 30 visitors or less will be catered using the winery's existing commercial kitchen. All other marketing events will be catered off site. There are no physical or infrastructure improvements included with this request. No increase in production or employees are also included. Furthermore, the applicant is requesting an exception to the Napa County Road and Street Standards (RSS) for widening the existing 20.59' wide entrance gate.

As stated in the previously prepared staff reports, staff recommends approval of the project. The prepared Addendum and the previously adopted Initial Study/Negative Declaration concluded there would be no significant environmental impacts associated with increased operations at the winery, specifically traffic increases and/or no noise impacts from expanded winery operations (e.g., production, visitation, marketing, and employees). It was determined that groundwater demands would not exceed the existing groundwater permit levels established for the property, since the project is located in the Milliken-Sarco-Tolocay (MST) Groundwater Deficient Area. Based on the reasons stated above, staff recommends approval of the RSS exception and the requested visitation and marketing increase, subject to the recommended conditions of approval.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of an Addendum to the previously adopted 2019 Negative Declaration prepared for Shadybrook Winery Major Modification P18-00450-MOD. Pursuant to CEQA Guidelines Section 15164, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Property Owner:** Rapp Ranch Estates, LLC, David & Sue Alkosser

**Project Sponsor's Name and Address:** Rapp Ranch Estates, LLC, David & Sue Alkosser; (714) 206-7856; 100 Rapp Lane, Napa CA 94558; dalkosser@gmail.com

**Representative:** David B. Gilbreth; Attorney; 1152 Hardman; Napa, CA 94558; (707) 337-6412; dbgilbreth@gmail.com

**Zoning:** AW (Agricultural Watershed) District

**General Plan Designation:** Agriculture, Watershed and Open Space (AWOS)

**Application Filed:** June 1, 2020; Resubmittals: August 25, 2020, October 19, 2020; Deemed Complete: October 19, 2020

**Parcel Size:** 11.37 acres

**Existing Development:** The site is developed with an existing 10,548 sf winery, two barns (approximately 12,000 sf and 1,300 sf to be converted to production space for barrel storage, a single family residence, and a vineyard. There are approximately 6.74 acres of vineyards that are producing grapes for the existing winery.

**Discussion Points:**

**Project Background** - On January 15, 2020, the Planning Commission adopted a Negative Declaration (ND) pursuant to the California Environmental Quality Act (CEQA, Public Resource Code Section 21000 et seq.) and approved a Use Permit Major Modification (P18-00450-MOD) subject to conditions of approval for the existing 30,000 gallon winery allowing the following to remedy existing violations under the County's Use Permit Code Compliance Program and some expansion beyond existing entitlements:

- a. Increase in annual wine production from 30,000 to 70,000 gallons per year;
- b. On-premises consumption of wine produced on-site within the outdoor visitation area and hospitality building designated tasting areas in accordance with Business and Professions Code Sections 23358, 23390 and

23396.5;

- c. Employment of nine full-time and two part-time employees;
- d. Minor improvements to the existing parking area and outdoor patio and garden area;
- e. Demolition of the existing agricultural barn and replacement with four new steel buildings approximately 12,000 sq. ft. in size and the conversion of one of the steel buildings of approximately 3,001 sq. ft. into winery production space for barrel storage;
- f. The winery's new access and outdoor visitation/marketing event patio which includes a barbeque/fire pit and outdoor event garden area;
- g. The reconfigured parking area including 26 parking spaces;
- h. The winery's existing sound system for background music only utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio area only; and
- i. Permit commercial horseback riding from APN 052-170-018 (Rapp Equestrian Center only) in the vineyards on the property.

There were no proposed changes to winery's hours of operation, which occur seven days per week from 9 am to 5 pm or to the Marketing Events, which occur seven days a week from 11 am to 10 pm.

Included in the original application and addressed in the Negative Declaration was a request for the following additional components: 1) increase daily visitation from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week; and 2) amendment to the existing marketing program from eight (8) catered food and wine events per year with a maximum of 30 persons and one (1) Wine Auction event per year with a maximum of 30 people to six (6) events per year with a maximum of 30 persons, six (6) events per year with 50 visitors and six (6) events per year with 100 visitors. Events with 30 visitors or less will be catered using the winery's existing commercial kitchen. All other marketing events will be catered off site.

Based upon public comments, the winery comparison chart of similarly sized wineries ranging 70,000 to 80,000 gallons per year, and other wineries located on Rapp Lane and Chateau Lane, the Commission expressed concern that the proposed numbers were too high for the surrounding rural neighborhood and potentially in conflict with similar visitation/event numbers requested with the adjacent Rapp Equestrian Center. Therefore, the Commission requested that the applicant consider lower numbers.

Final action by the Planning Commission directed that the applicant bring the subject winery into compliance prior to consideration of an expansion beyond existing entitlements regarding visitation and marketing activities.

For additional background and a detail analysis of the original project proposal, a copy of the December 4, 2019 Staff Report (a full copy is available at: <http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5740>) and the January 20, 2020 Staff Report (full copy is available at: <http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5979>) has been provided in Attachment J for Commission review.

Compliance with P18-00450-MOD Conditions of Approval - A copy of the final conditions of approval for P18-00450-MOD have been provided in Attachment D. To date, the applicant has addressed all life safety and code compliance issues, replaced winery signage with code compliant sign, replaced the string lights with code compliant lighting, and removed use of the bocce ball court by installing landscaping in its place. The applicant has also installed groundwater well meters and initiated the submittal of well data for monitoring groundwater usage. A Transportation Demand Management (TDM) program was submitted for reduction of traffic, as well as agreements for joint parking and the joint domestic water system. Furthermore, staff finds that the applicant has made a good faith effort to bring the winery into compliance through making progress on the submittal of a lot line adjustment to address the equestrian facility structures crossing over parcel boundaries, and is currently processing required building permits for the new Agricultural Storage and Wine Production Building, and will be submitting environmental health permits for improvements to the water and wastewater system (See Attachment K

for additional detail on compliance).

Visitation/Marketing - As proposed, the applicant is requesting an increase in daily visitation and marketing as follows: 1) increase daily visitation from 21 per day with a maximum of 147 per week to 50 per day with a maximum of 350 per week; 2) amend the existing marketing program from eight catered food and wine events per year with a maximum of 30 persons and one Wine Auction event per year with a maximum of 30 people to six events per year with a maximum of 30 persons, six events per year with 50 visitors and six events per year with 100 visitors. Events with 50 visitors or less will be catered using the winery's existing commercial kitchen; larger events will be catered off site. All marketing activities will be scheduled to occur between the hours of 11 am and 10 pm. For Commission review, Attachment I provides an updated winery comparison chart identifying existing and proposed visitation and marketing events at Shadybrook Estate Winery compared to other similarly sized wineries and a summary of changes for the winery. This attachment also provides a summary of changes for Shadybrook Winery and a comparison between Italics Winery, Covert Winery and the activities authorized at the Rapp Equestrian Center. The summary reveals that both Shadybrook Estate Winery and the previously approved Rapp Equestrian Center still have a higher visitation and event program than existing at other facilities.

With this new application, no reduction in visitation or marketing events has been proposed. Instead, the applicant has indicated that they can accommodate this activity at the winery given the shared wastewater system (Attachment H). The applicant has provided a Joint Wastewater Feasibility Report which identifies that the combined wastewater generated from both the Rapp Equestrian Center and the Shadybrook Estate Winery will not exceed the combined wastewater capacity of 1,165 gallons per day. This equates to a combined total of 111 persons between the two facilities to ensure that the maximum wastewater approved daily capacity is not exceeded. Conditions of Approval 4.20(f) has been added to ensure compliance and COA #4.20(c) provides a restriction that no horse related event activities shall occur on the parcel in conjunction with winery operations, visitation, or marketing events.

With respect to groundwater usage, a Joint Water Availability Analysis was submitted reconfirming adequate water supply for the winery as previously expanded and under this proposed project (Attachment G). Pursuant to approval of Shadybrook Estate Winery Major Modification P18-00450-MOD (APN 052-170-019) and Rapp Equestrian Center Use Permit P18-00197-UP (APN 052-170-018), a joint ground water system has been authorized under the following limits: APN -052-170-019 - 3.41 acre-feet/year plus 1.83 acre-feet/year from the MST recycled water community facilities district for all water consuming activities; and APN 052-170-018 – 4.16 acre-feet/year for all water consuming activities. A Joint Groundwater Use Report was submitted on October 14, 2020 commencing well monitoring activities. In the event that circumstances change in the future, COA 4.20(b) has been added to require the applicant to address any deficiencies.

Under the applicant's proposal, the staff from the winery and equestrian facility would be left to coordinate activities with each other to ensure compliance. Should the Commission want to monitor visitation and event activities at the winery on a regular basis, staff would recommend that a project specific condition be added to the project that requires employee, visitation and marketing event monitoring records be submitted to the County on an annual basis over the next three years. Should the winery and the equestrian facility exceed the combined daily wastewater limitations then staff can bring the winery back to the Planning Commission for a status compliance review and a reconsideration of visitation and marketing event activities.

Exception to Road & Street Standards (RSS) - The Exception request is to allow the project to seek an exception to the RSS for widening the existing 20.59' wide entrance gate since the Winery is located in a Locally Responsibility Area (LRA) and not in a Very High Fire Hazard Severity Zone (VHFHSZ) pursuant to Section Five of the RSS (Attachment F). The subject parcel and entry gate/access drive falls entirely within the LRA and is not designated as being in a VHFHSZ. Engineering Division staff has reviewed the Road Exception Request letter prepared by RSA+ dated August 25, 2020 with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) & Section (5) of the RSS as adopted by Resolution No. 2020-12 by the Board of

Supervisors on February 4, 2020, the Engineering Division and the Fire Marshal's office have determined the following: Unlike exceptions within the SRA or for property located within the VHFHSZ, exceptions for property located completely within the LRA may be permitted when they do not provide the same overall practical effect as the SRA Fire Safe Regulations. However, the exception request must provide measures, which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property. As proposed, the gated access serving a commercial driveway has 22 feet of unobstructed horizontal clearance. The existing gated access has an approximately 20.5 foot clear horizontal opening. The roadway will provide an overall clear width of 22 feet on either side of the gate and the applicant has provided an exhibit demonstrating clear line of sight for approximately 625 feet from the gate. Therefore, the Engineering Division and the Fire Marshal's office are recommending approval of this request subject to conditions of approval.

Traffic and Winery Access - In response to the final Traffic Impact Study assessment prepared for the project, as well as, Condition of Approval 4.20(c) with authorization of Major Modification P19-00450-MOD, the applicant has submitted a Transportation Demand Management (TDM) Plan describing what measures will be implemented to reduce traffic to the winery. Staff has reviewed this program and finds it acceptable. However, staff has included a condition of approval that now requires the program to be implemented for the life of the project and the submittal of an annual TDM report showing a reduction in vehicle miles traveled (VMT) by 15% with provisions for compliance if this requirement is not met. (Refer to new COA 4.20(d)). With regards to winery access, as proposed, the winery would continue to be accessed via the existing Rapp Lane unless authorized in the Chateau Lane Easement, which is a gated paved private road commencing at the north end of Second Avenue and Chateau Lane. (Refer to new COA 4.20(e)).

Parking – With authorization of Major Modification P19-00450-MOD, the winery was granted a total of 26 spaces and authorized to jointly share the parking area with Rapp Equestrian Center which was also authorized to reconfigure nine parking spaces. It should be noted that drop off and pick up areas for horse trailers and visitor shuttles and horse trailer parking were also authorized on the winery parcel and will be improved in conjunction with final building permits received for the winery and equestrian facility. Pursuant to COA 4.20 (e) of P19-00450-MOD, a Joint Parking Agreement between the two parcels was required, submitted and has been executed implementing this shared program.

Public Comments – At the time of staff report preparation, staff did not receive any additional comments.

## **Decision-making Options**

### Option 1: Approve Applicant's Proposal (Staff recommended option)

Disposition - This action would only change the visitation and marketing operations of the winery subject to daily restrictions based upon the combined wastewater system between the winery and the Rapp Equestrian Center and authorize a RSS Exception for not replacing the existing entry gate to the property. The Addendum prepared for this project identified that the previously adopted Initial Study/Negative Declaration concluded that there would be no significant environmental impacts associated with increased operations at the winery, and the addition of a small wine barrel storage building which will be located where an existing agricultural barn was located and had been recently replaced with a new building. The analysis revealed that there would be no significant impacts associated with proposed traffic increases and/or no noise impacts from expanded winery operations (e.g., production, visitation, marketing, and employees). It was determined that groundwater demands would fall below the existing groundwater permit levels established for the property. Based on the reasons stated above, this option would be consistent with the Zoning Ordinance, the Napa County RSS and applicable General Plan policies and would support the business operations of the existing winery.

Action Required - Follow the proposed action listed in the Summary section of this staff report.

### Option 2: Modify the Applicant's Proposal to Reduced Visitation and/or Marketing Events

Disposition - All potential environmental impacts have been found to be less than significant. However, this option provides the Planning Commission at their discretion, the ability to further reduce potential impacts by reducing the visitation and marketing events requested. Automobile trips associated with this option would be fewer than the estimated number of trips, as well as, projected use of groundwater and wastewater. Upgrading of the existing wastewater system on-site for joint use would still be necessary under this option but of a lesser size.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project-specific conditions of approval to reduce the number of visitation and marketing/or events to a specified maximum. This option would have proportionately fewer impacts as compared to those discussed in the Addendum prepared for the Initial Study/Negative Declaration, and thus, no new analysis beyond that of the Addendum/Negative Declaration would be necessary. The item would need to be continued to a future date if significant revisions to the recommended conditions of approval or desired.

### Option 3: Deny the Applicant's Proposal

Disposition – This action would result in the winery maintaining the existing approved visitation and marketing activities authorized in Major Modification P18-00450-MOD. As with Option 2 above, this option would result in maintenance of the existing condition and result in fewer daily trips, less groundwater use and less wastewater generation as compared to the proposed project, and no physical changes to the winery's production facilities or utilities infrastructure would be necessary.

Action Required - In the event that the Commission determines that the proposed Major Modification does not or cannot meet the required findings for grant of a use permit, Commissioners must articulate the basis of the conflict with the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

### Continuance Option

The Commission may continue the item to a future hearing date, at its discretion.

### **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval & Agency Memos
- C . Addendum & Adopted Initial Study/Negative Declaration
- D . Previous Project Conditions
- E . Major Modification Application & Project Plans Packet
- F . Roads & Streets Standards Exception Request
- G . Joint WAA & Water System Feasibility Study
- H . Joint Wastewater Feasibility Study
- I . Winery Comparison Analysis & Summary of Changes
- J . Previous Staff Reports - P18-00450-MOD



K . Compliance Review

L . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina